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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,207	04/02/2001	William K. Meade II	10002844-1	2700

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HEWLETT-PACKARD COMPANY
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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2624

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,207

Applicant(s)

MEADE ET AL.

Examiner

Thierry L Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16, 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Benjamin et al (U.S. 6113208).

Regarding claim 1, Benjamin discloses a method, comprising:

- retrieving software update information (retrieving printer driver software update information from memory 20, fig. 4, cols. 3-4) from component memory (memory device 20, fig. 3) of a printing device replaceable component (ink cartridge contains memory device 20, fig. 3);
- validating authority (notifying users of updated/newer version of printer driver, fig. 4) to download a software update identified by the software update information (downloading updated/newer version of printer driver, col. 4, col. 1-20); and
- upon validation, facilitating a download (downloading updated/newer version of printer driver, fig. 4, cols. 3-4) of the software update utilizing the software update information from the component memory.

Regarding claim 2, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises producing a user prompt requesting authorization (requesting users to download new version of printer driver, fig. 4, cols. 3-4) to download the software update and validating that authority has been granted to download the software update if the user responds in the affirmative to the user prompt.

Regarding claim 3, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises determining if a verification indicator is set in memory (memory 20 contains a program code for comparing updated/new version with old version, cols. 3-4) of the printing device and validating that authority has been granted to download the software update if the verification indicator is set (fig. 4, cols. 3-4).

Regarding claim 4, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises determining if a verification indicator is set in memory of a host computer (memory 12 and host processor 10, fig. 3, also, new printer driver can be downloaded automatically, col. 4, lines 5-20) connected to the printing device and validating that authority has been granted to download the software update if the verification indicator is set.

Regarding claim 5, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises accessing a remote site (accessing manufacture's website, col. 4, lines 1-20) and determining if a verification indicator is set at the remote site and validating that authority has been granted to download the software update if the verification indicator is set.

Regarding claim 6, Benjamin further discloses the method as recited in claim 1, wherein the authority to download the software update is provided at the time the printing device (printer, fig. 4, cols. 3-4) is installed.

Regarding claim 7, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises downloading the software update from the component memory (downloading from manufacture's website, col. 4, lines 1-20).

Regarding claim 8, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a pointer in the software update information and accessing a site referenced (manufacture's website, cols. 3-4) by the pointer to locate and download the software update.

Regarding claim 9, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a telephone number (telephone number, fig. 4, cols. 3-4) of a remote access site in the software information and utilizing the telephone number to locate and download the software update.

Regarding claim 10, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a telephone number of a vendor site in the software information and facilitating display of the telephone number to a printing device user (telephone number, fig. 4, cols. 3-4), wherein the user can call the telephone number to order the software update.

Regarding claim 11, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a universal resource locator (URL) in the software information and facilitating display of the URL to a printing device user, wherein the user can manually access the URL to order the software update (manufacture's website URL, fig. 4, cols. 3-4).

Regarding claim 12, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a printable form (order form, col. 4, lines 20-40) using the software information and causing the form to be printed on the printing device, wherein the user can complete the form and send it to a vendor to order the software update.

Regarding claim 13, Benjamin further discloses a printing device (printer, fig. 1), comprising: a replaceable component (ink cartridge, fig. 3); component memory integrated into the replaceable component (memory 20 within ink cartridge, fig. 3); and software update information stored in the component memory (memory 20 contains information of printer driver, cols. 3-4), the software update information including information to determine if there is an update available for the printing device (determining if updated/newer version are available for

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download, fig. 4, cols. 3-4) and for initiating a software update upon authorization from a printing device user.

Regarding claim 14, Benjamin further discloses the printing device as recited in claim 13, wherein the software update information for initiating a software update further comprises means to display a message to the user that indicates how the user can obtain the software update (displays websites and phone numbers, fig. 4, cols. 3-4).

Regarding claim 15, Benjamin further discloses the printing device as recited in claim 13, wherein the software update information for initiating a software update further comprises a pointer to an Internet site (manufacture's websites, fig. 4, col. 4, lines 1-20) that may be provided to a browser of a host computer connected to the printing device so that the host computer can access the pointer and download the software update from the site.

Regarding claim 16, Benjamin further discloses the printing device as recited in claim 13, wherein the software update information for initiating a software update further comprises a pointer that may be provided to an embedded web server (automatically downloading updated/newer version of printer driver by printer device, col. 1, lines 1-20) in the printing device so that the printing device can access the pointer and download the software update from the site.

Regarding claim 18, Benjamin further discloses the printing device as recited in claim 13, wherein the printing device is an inkjet printer (printer, fig. 1, cols. 3-5) and the replaceable component is a toner cartridge (ink cartridge, fig. 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 19-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin as described in claim 1 above, and in view of Gilliland et al (U.S. 4961088).

Regarding claim 17, Benjamin fails to teach the printing device as described in claim 1 above is a laser printer.

Gilliland, in the same field of endeavor for printing, teaches a laser printer comprising toner cartridge having storage memory (abstract, cols. 2, lines 55-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Benjamin as per teachings of Gilliland because of a following reason: (1) to enable the cartridge as described by Benjamin to be installed in both laser and inkjet printers.

Therefore, it would have been obvious to combine Benjamin with Gilliland to obtain the invention as specified in claim 17.

Regarding claim 19, Benjamin further discloses a toner cartridge (ink cartridge, fig. 3) comprising: a housing (housing 14, fig. 3); a toner reservoir (reservoir 15, fig. 3); a memory tag (memory 20, fig. 3); and software update information (updating/downloading printer's software, fig. 4, cols. 3-4) stored in memory tag that is retrieved by the laser printer and utilized to update software on the laser printer after obtaining authorization from a laser printer user.

Regarding claim 20, Benjamin further discloses the toner cartridge as recited in claim 19, wherein the software update information is utilized to update software in a host computer connected (host computer, fig. 3) to the laser printer.

Regarding claim 22, Benjamin further discloses the toner cartridge as recited in claim 19, the software update information including a version number that indicates the latest version of software available for the laser printer (fig. 3, cols. 3-4) and a pointer to a location (i.e. URL address, col. 4) that stores the latest version of the software available for the laser printer.

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5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin and Gilliland as applied to claim 19 above, and further in view of Cromer et al (U.S. 6177860).

The combinations of Benjamin and Gilliland do not expressly teach the memory tag that incorporated within the toner cartridge is a radio frequency identification (RFID) memory tag.

Cromer, in the same field of endeavor, teaches radio frequency identification (RFID) memory tag (cols. 3-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Benjamin and Gilliland as per teachings of Cromer by replacing a memory device with a RFID memory tag because of a following reason: (1) RFID memory tag can be access without the need for AC power (col. 4, lines 1-20).

Therefore, it would have been obvious to combine Benjamin and Gilliland with Cromer to obtain the invention as specified in claim 21.

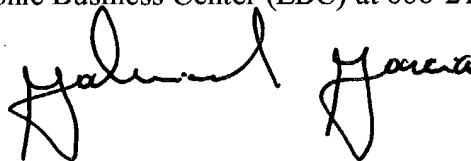
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER